

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

-----X
ROBERTO MATA,

Plaintiff,

v.

AVIANCA, INC.,

Defendant.
-----X

:
:
:
:
:
:
:
:
:
:
:

Civil Action No. 22-cv-1461 (PKC)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and Declaration of Bartholomew Banino, with accompanying exhibits, submitted by Defendant AVIANCA, INC. (hereinafter “Avianca”), by and through its attorneys, Condon & Forsyth LLP, hereby move this Court for an Order dismissing the Complaint for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: January 13, 2023

Respectfully submitted,

CONDON & FORSYTH LLP

By: /s/ Bartholomew J. Banino

Bartholomew J. Banino

bbanino@condonlaw.com

Marissa N. Lefland

mlefland@condonlaw.com

7 Times Square, 18th Floor
New York, New York 10036
(212) 490-9100

Attorneys for Defendant
AVIANCA, INC.

TO (via ECF):

LEVIDOW LEVIDOW & OBERMAN PC

Peter LoDuca
Steven Schwartz
299 Broadway, Suite 1800
New York, NY 10007
(212) 964-3290

Attorneys for Plaintiff
Roberto Mata